

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Art Unit:	1793
Alan Robert Semple Rae <i>et al.</i>	Examiner:	Devang R. Patel
Appln. No.: 10/588,267	Confirmation No.:	6466
371 Filing: June 6, 2007	Atty. Docket:	18770.005
Title:	Methods for Reducing Particulate Matter Emissions from Diesel Engine Exhaust Using Ethanol/Diesel Fuel Blends in Combination with Diesel Oxidation Catalysts	

**Request for Mandatory Withdrawal as Attorney or Agent  
Under 37 C.F.R. § 10.40**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Practitioners associated with Customer Number 28381 respectfully request withdrawal from representation of O2Diesel Corporation with respect to the referenced patent application.

Withdrawal is respectfully requested on the basis of 37 C.F.R. § 10.40 (b)(4) following O2Diesel's discharge of Arnold & Porter LLP. *See e.g.*, Exhibit A. The present request for withdrawal is mandatory.

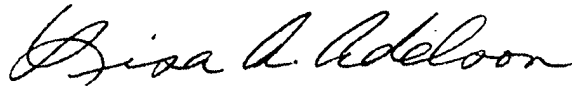
In support of the present Request for Withdrawal, reasonable steps have been taken to avoid foreseeable prejudice to the rights of O2Diesel Corporation. During multiple telephone calls with Arnold & Porter LLP over several months, Alan Rae of O2Diesel has discussed that O2Diesel was discharging A&P. As such, O2Diesel has had ample time to consider retaining other counsel; however, O2Diesel has indicated to A&P that they may not retain other patent counsel. *See e.g., id.* A&P has also warned O2Diesel that "[w]e strongly recommend that O2Diesel obtain other patent counsel immediately in order to ensure that patent rights are not lost." *See e.g., id.* (emphasis removed). In addition, arrangements have been made for delivery of the file history for the referenced application to O2Diesel. *See infra.*

We note that a copy of the present Request for Withdrawal, the original file for the captioned application and a letter reminding O2Diesel of the outstanding Office Action (due June 20, 2009 with three one-month extensions available to September 20, 2009) are being forwarded to O2Diesel today, June 11, 2009, via Federal Express. *See Exhibit B.*

All future correspondence for this application should be forwarded directly to O2Diesel at 100 Commerce Drive, Suite 301, Newark, Delaware 19713.

On the basis of the foregoing, withdrawal from representation of O2Diesel in the referenced patent application is respectfully requested by practitioners associated with Customer Number 28381.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)  
Lisa A. Adelson (Reg. No. 51,204)

Dated: June 11, 2009

ARNOLD & PORTER LLP  
Attn: IP Docketing  
555 twelfth Street, N.W.  
Washington, D.C. 20004-1206  
(202) 942-5000 (telephone)  
(202) 942-5999 (facsimile)

## EXHIBIT A

Adelson, Lisa

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**From:** Lavin, Kevin  
**Sent:** Wednesday, June 10, 2009 2:13 PM  
**To:** Adelson, Lisa  
**Subject:** FW: O2Diesel

**From:** Alan Rae [mailto:arae@o2diesel.com]  
**Sent:** Wednesday, June 10, 2009 2:03 PM  
**To:** Lavin, Kevin  
**Subject:** Re: O2Diesel

Kevin

I have received, read and am in agreement with this email.

Alan

On Jun 10, 2009, at 1:37 PM, Lavin, Kevin wrote:

Dear Alan,

We understand from our telephone conversations that you no longer wish for Arnold & Porter LLP to represent O2Diesel in any patent matters. Thus, in accordance with your instructions, effective immediately upon your confirmation of this email, Arnold & Porter will no longer be responsible for applications entitled "Methods for Reducing Particulate Matter Emissions from Diesel Engine Exhaust Using Ethanol/Diesel Fuel Blends in Combination with Diesel Oxidation Catalysts" in the United States, Australia, Brazil, Canada, China, Europe, India, Japan, Hong Kong or WIPO.

As such, we will immediately advise all foreign associates and the U.S. Patent and Trademark Office that you have terminated us as patent counsel. In addition, we will forward all patent files to your attention at your head office at 100 Commerce Drive, Neward, Delaware and instruct all foreign associates and the U.S. Patent and Trademark Office to forward future correspondence to you at the noted address. WE NOTE THAT FROM THIS TIME FORWARD YOU AND O2DIESEL ARE SOLELY RESPONSIBLE FOR MONITORING AND COMPLYING WITH ANY AND ALL FUTURE DEADLINES.

We understand from our conversations with you that O2Diesel may not further pursue any of the US or foreign applications that Arnold & Porter LLP has previously handled on behalf of O2Diesel. However, WE STRONGLY RECOMMEND THAT O2DIESEL OBTAIN OTHER PATENT COUNSEL IMMEDIATELY IN ORDER TO ENSURE THAT PATENT RIGHTS ARE NOT LOST. PLEASE BE ADVISED THAT IN THE ABSENCE OF COMPETENT PROSECUTION OF YOUR EXISTING PATENT APPLICATIONS, ALL RIGHTS TO THE SUBJECT MATTER OF THESE APPLICATIONS MAY BE LOST.

Please send a return email confirming you are in agreement with this email.

Kevin

Any U.S. federal tax advice included in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding U.S. federal tax-related penalties or (ii) promoting, marketing or recommending to another party any tax-related matter addressed herein.

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For more information about Arnold & Porter LLP, click here:  
<http://www.arnoldporter.com>

## EXHIBIT B

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ARNOLD & PORTER LLP

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Lisa A. Adelson  
Lisa.Adelson@aporter.com

202.942.5325  
202.942.5999 Fax

555 Twelfth Street, NW  
Washington, DC 20004-1206

June 11, 2009

Mr. Alan Rae  
O2Diesel Corporation  
100 Commerce Drive, Suite 301  
Newark, DE 19713

Via Federal Express

Re: U.S. Application No. 10/588,267  
Title: Methods for Reducing Particulate Matter Emissions from Diesel Engine  
Exhaust Using Ethanol/Diesel Fuel Blends in Combination with Diesel  
Oxidation Catalysts  
A&P Ref.: 18770.005

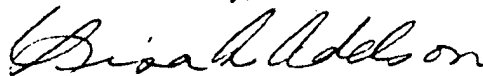
Dear Alan:

Further to your telephone conversations and email correspondence with Kevin Lavin, please find enclosed a Request for Mandatory Withdrawal as Attorney or Agent that we are filing with the U.S. Patent and Trademark Office today. Also enclosed is our file for the referenced application.

Please note that as we have advised you previously, a Response to Office Action is due in the referenced application on June 20, 2009. We remind you that this deadline may be extended in one-month increments by payment of appropriate fees until a final, non-extendible deadline of September 20, 2009. Please note that IF YOU CHOOSE NOT TO FILE A RESPONSE TO THE OUTSTANDING OFFICE ACTION BY THE FINAL SEPTEMBER 20 DEADLINE, ALL RIGHTS IN THE SUBJECT MATTER OF THIS APPLICATION MAY BE LOST.

If you have any questions regarding the lapse of this application, please do not hesitate to contact us.

Most sincerely,

  
Lisa A. Adelson

Enclosures

Request for Mandatory Withdrawal as Attorney or Agent  
File for U.S. Application No. 10/588,267

cc: William Hodgson (w/o encls.)  
Ann Fegans (w/o encls.)  
David R. Marsh (w/o encls.)  
Kevin Lavin (w/o encls.)